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Via email: eircomments@sacog.org

Executive Officer
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RE: Comments on the Draft 2020 Metropolitan Transportation Plan/Sustainable Communities Strategy and Draft Environmental Impact Report, SCH #2019049139

Dear Ms. De Vere-Oki:

Thank you for the opportunity to review and comment on the Sacramento Area Council of Governments' (SACOG) Draft 2020 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and the associated Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) recognizes and supports SACOG's objective to prepare a regional transportation plan that links land use, air quality, and transportation needs to meet federal and state air quality standards.

The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) requires the Council to review and provide advice and input to local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies, with the Delta Plan, including consistency with the ecosystem restoration needs of the Delta and sufficiency of the lands set aside for natural resource protection for meeting the Delta's ecosystem needs. (Cal. Water Code § 85212.) This letter constitutes the Council's review and advice on the Draft 2020 MTP/SCS pursuant to Water Code section 85212, as well as the Council's comments on the associated Draft EIR.

SACOG's 2020 MTP/SCS is a regional transportation plan for a six county region that includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties and the 22 cities in these Counties. Portions of Sacramento and Yolo Counties include land within the Delta.

The Council is an independent state agency established by the Delta Reform Act, which is codified in Division 35 of the California Water Code, sections 85000-85350. The Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Delta as an evolving place. (Cal. Water Code § 85054.) Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a legally enforceable management framework for the Delta and Suisun Marsh for achieving the coequal goals. (Cal. Water Code § 85001(c).) The Delta Plan contains recommendations as well as regulatory policies (set forth in Title 23 of the California Code of Regulations, Sections 5001 through 5016.

Delta Reform Act Requirements for Regional Transportation Plans and Sustainable Communities Strategies

The Delta Reform Act requires that metropolitan planning organizations preparing a regional transportation plan that includes land within the primary or secondary zones of the Delta consult with the Council early in the planning process. (Cal. Water Code § 85212.) Council staff and SACOG staff met for this early consultation on January 15, April 2, and August 19, 2019.

The Delta Reform Act also requires that the metropolitan planning organization provide a draft SCS and an alternative planning strategy, if any, to the Council, no later than 60 days prior to adoption of the final regional transportation plan, along with concurrent notice of the submission in the same manner as an agency filing a certification of consistency. (Cal. Water Code § 85212.) SACOG submitted its Draft 2020 MTP/SCS to the Council on September 19, 2019, including concurrent notice, in the same manner in which agencies file a certificate of consistency, pursuant to Water Code section 85225.

Council Review of and Input on the Draft 2020 MTP/SCS and Draft EIR

This section summarizes the Council's review of and input on the submitted Draft 2020 MTP/SCS, pursuant to Water Code section 85212. It also summarizes the Council's comments on the Draft EIR.

1. Consistency with Ecosystem Restoration Needs and Sufficiency of Lands Set Aside

Section 85212 of the Delta Reform Act requires that the Council's input on local and regional planning documents, including sustainable communities' strategies, include, but not be limited to reviewing:

- the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta; and
- whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs.

Thank you for acknowledging this authority in the Biological Resources chapter of the Draft EIR.

a. Consistency with Restoration Needs

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration (Delta Plan, Chapter 4, p. 136-138) and are

therefore necessary to meet the ecosystem restoration needs of the Delta (depicted in Delta Plan Appendix 5: <http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%205.pdf>). Delta Plan Policy **ER P3** (23 Cal. Code Regs. § 5007) states that significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated in these areas. Two PHRAs are located within the SACOG region: the Yolo Bypass, which passes through Yolo County; and the Cosumnes/Mokelumne confluence located at the southern edge of Sacramento County. Draft 2020 MTP/SCS Figure 3.5 identifies *Lands Not Identified for Development*, a placetype where urban growth is not assumed. Both the Yolo Bypass and the Cosumnes/Mokelumne Confluence are located within *Lands Not Identified for Development*. Therefore, the Draft 2020 MTP/SCS does not accommodate urban growth in either of these PHRAs.

In its June 21, 2019 comments on the Notice of Preparation (NOP), the Council requested that SACOG's EIR for this project analyze whether the proposed project would induce growth in any of the areas that the Delta Plan has designated to meet the Delta's ecosystem restoration needs. Thank you for including this discussion in the Growth-Inducing Impacts section of the Draft EIR.

The Draft 2020 MTP/SCS does not forecast growth on *Lands Not Identified for Development* during the planning period. The Draft EIR notes that proposed transportation improvements in these areas are limited to ongoing road maintenance and operational improvements to support safer and more efficient agricultural goods movement. The DEIR finds that because the Draft 2020 MTP/SCS does not propose investments that would expand the capacity of the transportation network serving *Lands Not Identified for Development*, it supports projected population and employment growth without inducing "the type of population growth that would require development of more land for urban purposes" (Draft EIR, p. 19-8).

Sufficiency of Lands Set Aside

The Draft 2020 MTP/SCS does not specifically set aside lands for natural resource protection. SACOG notes that this is the prerogative of lead agencies that adopt land use plans and implement projects (i.e., city and county agencies, transit providers, land developers). However, the MTP/SCS does have an ability to incentivize natural resource protection by encouraging growth in existing population centers and by maximizing the efficiency of the existing transportation network. The Council appreciates that the Draft 2020 MTP/SCS aims to achieve this by accommodating nearly two-thirds of the region's new housing and 85 percent of its job growth in existing downtowns, commercial corridors, and suburbs. The remaining future development, consisting of one-third of the region's new housing and 15 percent of its job growth, is accommodated in more than two-dozen new *Developing Communities*, a placetype the MTP/SCS describes as greenfield areas located at the edges of established communities; and in scattered rural residential areas outside the Delta.

Senate Bill 375 (Chapter 728, Statutes of 2008) provides California Environmental Quality Act (CEQA) streamlining benefits for certain projects that are consistent with the MTP/SCS land use and transportation pattern. The Draft EIR states that SACOG aims to facilitate these

CEQA streamlining benefits for qualifying residential, mixed-use, and transit priority projects by designating high-frequency transit areas within one-half mile of a major transit stop or an existing or planned high-quality transit corridor. Draft 2020 MTP/SCS Figure 3.7 illustrates the location of these areas. Based on the mapped locations, the 2020 Draft MTP/SCS would not afford CEQA streamlining benefits to projects outside of existing city boundaries, within the Delta, or within any PHRA. Based on the locations of the high-frequency transit areas, the Draft 2020 MTP/SCS would not incentivize development in areas within the Delta that are necessary to meet the Delta's ecosystem needs.

Based on review of the Draft 2020 MTP/SCS and associated Draft EIR, in compliance with the Delta Reform Act, section 85212, the Council concludes that the MTP/SCS is not inconsistent with the ecosystem restoration needs of the Delta.

2. Consistency with the Delta Plan

The Delta Reform Act requires the Council to review and advise local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies, with the Delta Plan (*Cal. Water Code* § 85212). Thank you for acknowledging and describing this authority in the Land Use chapter of the Draft EIR.

b. Land Use Pattern

In its June 21, 2019 comments on the NOP, the Council requested that SACOG's EIR for this project analyze whether the 2020 MTP/SCS would induce new residential, commercial, or industrial development in the Delta Secondary Zone that was not accounted for at the time of the Delta Plan's adoption. Thank you for including this discussion in the Growth-Inducing Impacts section of the Draft EIR. The Draft EIR finds that the proposed MTP/SCS accommodates projected growth, and is not expected to induce additional growth beyond the levels or in the locations accounted for in the plan.

Delta Plan Policy **DP P1** (23 Cal. Code Regs. § 5010) places certain limits on new urban development within the Delta. New residential, commercial, and industrial development must be limited to certain areas, shown in Appendix 6 and Appendix 7 to the Delta Plan, or to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013) if the development is otherwise consistent with Delta Plan regulatory policies. This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

State and local agencies are required to demonstrate consistency with this policy, as well as the other regulatory policies contained in the Delta Plan, when carrying out, approving, or funding a covered action. However, the Delta Reform Act exempts actions within the Secondary Zone of the Delta that a metropolitan planning organization determines are consistent with a sustainable community strategy or alternative planning strategy that the State Air Resources Board has determined would achieve regional greenhouse gas emission

reduction targets. Such proposed actions are not covered actions regulated by the Council (Cal Water Code § 85057.5(b)(4)). This statute provides SACOG with a significant role in shaping the State's Delta policy in urban areas.

The Draft 2020 MTP/SCS seeks to accommodate nearly two-thirds of the region's new housing and 85 percent of its job growth in existing downtowns, commercial corridors, and suburbs. As described previously, the remaining one-third of new housing and 15 percent of job growth is expected to be accommodated in more than two-dozen new *Developing Communities* and in scattered rural residential areas outside the Delta. The Draft 2020 MTP/SCS designates two new *Developing Communities* in the City of West Sacramento, within the Legal Delta. The Council has reviewed the locations of these communities and determined that the planned land uses were adopted by the City of West Sacramento and incorporated into its general plan prior to the Delta Plan's adoption (May 16, 2013).¹ Therefore, the two planned *Developing Communities* in the City of West Sacramento are consistent with DP P1 because they fit within the exemption for development set forth in DP P1, subsection (b). As such, the Draft 2020 MTP/SCS land use pattern would not create development within the Secondary Zone of the Delta that is inconsistent with Delta Plan Policy **DP P1**.

Based on review of the Draft 2020 MTP/SCS and associated Draft EIR, in compliance with the Delta Reform Act, section 85212, the Council concludes that the MTP/SCS is not inconsistent with Delta Plan Policy DP P1 that limits new urban development in the Delta Secondary Zone.

c. Transportation Investments

The recommended transportation projects in the 2020 MTP/SCS (Appendix A) include a variety of investments in both urban and rural areas within the Legal Delta. These transportation projects are consistent with recommendations in the Delta Plan including **DP R5** and **DP R11**. The 2020 MTP/SCS includes a number of planned trail investments, which are consistent with Delta Plan Recommendation DP R11 to protect and improve existing recreation opportunities while seeking ways of providing new, and better coordinated, opportunities. The 2020 MTP/SCS Project List includes multiple separate trail projects, for instance, to improve the Clarksburg Branch Line Trail and Sycamore Trails within and immediately south of the City of West Sacramento (Draft 2020 MTP/SCS Attachment B).

The Delta Plan also recommends providing adequate infrastructure in the Delta. Recommendation DP R5 states "The California Department of Transportation, local agencies, and utilities should plan infrastructure, such as roads and highways, to meet needs of development consistent with sustainable community strategies, local plans, the Delta Protection Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta*, and the Delta Plan." A number of planned transportation investments in the 2020 MTP/SCS would improve the capacity and safety of roads and highways in the Delta. For example, the Draft 2020 MTP/SCS includes a variety of projects to expand, improve, and connect South River Road, which links the City of West Sacramento to legacy communities in the Delta. The Draft 2020 MTP/SCS also includes multiple projects to replace structurally-

¹ These planned land uses were also included in the 2012 SACOG MTP/SCS, though they were subsequently removed in the 2016 plan due to changes in the market forecast.

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deficient bridges in the Delta, restore pavement, and redesign streetscapes to be more pedestrian and bike friendly. Roadway improvement projects in the Delta described in the Rural Residential Communities section of the Draft 2020 MTP/SCS would improve agricultural and goods movement travel and improve accessibility for slow-moving farm equipment.

The Draft EIR also analyzes typical construction impacts associated with transportation improvements and proposes mitigation measures for construction such as reducing the visibility of construction-related activities and minimizing construction-related impacts to agricultural and forestry resources. The mitigation measures outlined in the Draft EIR related to construction impacts are generally aligned with the mitigation measures identified in the Delta Plan EIR.

Based on review of the Draft 2020 MTP/SCS and associated Draft EIR, in compliance with Water Code section 85212, the Council concludes that the recommended transportation projects identified in the 2020 MTP/SCS are not inconsistent with Delta Plan policies and recommendations concerning transportation in the Delta.

Closing Comments

Pursuant to Water Code section 85212, the Council has reviewed and provided advice and input on the Draft 2020 MTP/SCS and Draft EIR as outlined in this letter. The Council has not identified any inconsistency with the Delta Plan. The findings in this comment letter were presented on October 24, 2019 at the Council's monthly meeting, and were unanimously approved by the Council. The Council believes that the two plans are complementary in nature, serving to protect the Delta while promoting sustainable growth and economic vitality in the broader region. The Council invites you to continue to engage Council staff following the adoption of the 2020 MTP/SCS to coordinate implementation and subsequent plan updates. Please contact Harriet Ross at (916) 445-5825 or Harriet.Ross@deltacouncil.ca.gov with any questions.

Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

CC: Clint Holtzen, Jennifer Hargrove